

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

### **Rejections Under 35 U.S.C. § 112, First Paragraph.**

In the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. § 112, First Paragraph based on the contention that the wherein clause limitations newly added to claims 1, 12, 16, 29, and 30 are “not found in the specification and applicant did not explain how [these limitations are] supported in the original disclosure.” Although Applicant believes that the subject matter of each of the wherein clauses referenced above is implicitly if not explicitly clear from the specification, Applicant has deleted the language from each of these claims in order to advance prosecution of this application. Accordingly, the rejection of claims 1-30 under 35 U.S.C. § 112, First Paragraph should be withdrawn.

### **Rejections Under 35 U.S.C. § 102.**

In the Office Action, claims 1-8 and 20-30 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Stanczak et al. (“Stanczak”). It is respectfully submitted that this rejection is overcome based on the amendments and remarks set forth herein.

Claim 1 as amended is directed to an apparatus for adjusting the sensitivity of a motion detector comprising a transmitter and a controller. The transmitter is remote from the motion detector and transmits a signal that is non-user activated. The control controls the transmitter to transmit the signal which adjusts the sensitivity of the motion detector. An exemplary embodiment of the apparatus recited in claim 1 is shown in Figure 2 of the present application and described in paragraph 23 thereof. The control may include, for example, a microprocessor to control the signal transmitted by the transmitter that will adjust the sensitivity of the motion detector.

Stanczak is directed to an automatic door opening apparatus. Stanczak does not disclose a remote transmitter sending a control signal to adjust the sensitivity of the door opening motion detector. In contrast with the invention recited in amended claim 1, the sensitivity of the Stanczak motion detector is adjusted based on whether the door is in an open state or the speed at which the people are moving toward the door. There is clearly no remote transmitter for transmitting a signal to adjust the sensitivity of the motion detector and a control for controlling the transmission of that signal. Therefore, claim 1 is not anticipated by Stanczak.

Likewise, claims 12 and 16 recite a receiver for receiving a remotely generated signal for adjusting a sensitivity of the motion detector, the remotely generated signal being a non-user activated signal. In contrast, Stanczak discloses adjusting the sensitivity based on the speed of the person approaching the door. The signal used by Stanczak to determine the speed of the person approaching the door is not a user activated signal, but a signal that was originally transmitted from the door motion sensor and reflected back from the person. There is no signal generated by the person. Therefore, claims 12 and 16 are not anticipated by Stanczak.

Regarding claims 20, 23, 26, and 29, Applicant respectfully traverses the rejection based on the Examiner's contention that the subject matter of these claims is considered to be inherent. Claims 20, 23, 26, and 29 are directed to the pet immune mode described in the specification in paragraphs 31-34. As recited in these claims, and as described in the specification, the sensitivity of the motion sensor is adjusted to exclude a pet when the signal is received, the motion detector remaining sensitive to detection of intrusion by a person. The Examiner's inherency argument is not understood. The Examiner is improperly basing the argument on an alleged disclosure in the present application that the "pet is excluded when it moves around the room so the pet won't be approaching the door, therefore the sensitivity will be low and the door won't be open." The

possibility that a pet, based on movement, may not activate the door sensor while a human will, is not an inherent disclosure of a remote transmitter for adjusting the sensitivity of a motion detector to exclude a pet but remain sensitive to a person. As disclosed in the specification of the present application, one embodiment of adjusting the sensitivity to exclude a pet but remain sensitive to the human is by adjusting the voltage thresholds as shown in Figure 5. Therefore, there is no inherent disclosure in Stanczak of adjusting the sensitivity of a motion sensor to exclude a pet, but remain sensitive to detection of a person. Therefore, claims 20, 23, 26, and 29 are not anticipated by Stanczak.

Regarding claim 30, the Examiner alleges that Stanczak teaches transmitting a signal upon receipt of a challenge signal from the motion detector, citing col. 9, lines 9-19. The cited portion of Stanczak discloses adjusting the sensitivity level by changing the number of motion hits used by the control algorithm and that the required number of motion hits can be automatically changed to switch between various sensitivity levels. However, there is no disclosure in Stanczak of the motion detector transmitting a challenge signal to a transmitter. Therefore, claim 30 is clearly not anticipated by Stanczak.

Based on the above, it is respectfully submitted that claims 1-8 and 12-30 are not anticipated by Stanczak.

**Rejection of Claims 9-11 Under 35 U.S.C. § 103.**

In the Office Action, the Examiner rejected claims 9-11 under 35 U.S.C. § 103 (a) as being unpatentable over Stanczak in view of Tendler. Tendler discloses a transmitter on a pet collar that transmits a specific electronic code to identify the pet as authorized to enter a door. Tendler does not overcome the deficiencies of Stanczak identified above. Therefore, claims 9-11 are not obvious over Stanczak in view of Tendler.

### **New Claim 31.**

New claim 31 is added herein and is directed to an apparatus for adjusting the sensitivity of a motion detector comprising a transceiver, a motion detector, a transceiver control and a motion detector control. The transceiver control controls the transceiver to transmit a control signal for adjusting the sensitivity of a motion detector. The transceiver control also controls the transceiver to transmit a code in response to a challenge signal from the motion detector. The motion detector control adjusts the sensitivity of the motion detector and responds to the control signal from the transceiver. The motion detector control also transmits a challenge signal upon detection of motion. The motion detector control triggers an alarm if a code is not received in response to the challenge signal within a predefined time period. New claim 31 is believed to be allowable over the prior art of record. Support for this new claim may be found in the specification and drawings, for example, in paragraph 25 of the specification.

### **Conclusion**

Based on the above, it is respectfully submitted that all of the claims pending in the application are allowable and a Notice of Allowance is respectfully solicited.

Respectfully submitted,



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